

Hearing Date and Time: September 25, 2007 at 10:00 a.m. Eastern Time
Response Deadline: September 6, 2007 at 4:00 p.m. Eastern Time

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-and-

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*Attorneys for Claimant Parus Holdings, Inc.
Successor-By-Merger to EffectNet, Inc. and
EffectNet, LLC*

UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:)	CHAPTER 11
)	Jointly Administered
WORLDCOM, INC., et al.,)	
)	
Debtors.)	Case No. 02-13533 (AJG)
)	

**PARUS HOLDINGS, INC.'S LIMITED OBJECTION TO DEBTORS'
AMENDED MOTION FOR AN ORDER PERMITTING PARTIAL
WITHDRAWAL OF CLAIM OBJECTION TO PARUS HOLDINGS, INC.'S
PROOF OF CLAIM NO. 11173 (REPLACING 9293), ALLOWING RESULTING
CLAIM, AND DENYING ALL OTHER PENDING MOTIONS AS MOOT**

Claimant Parus Holdings, Inc. ("Parus"), by and through its counsel, respectfully submits this limited objection (the "Objection") to the Debtor's Amended Motion for an Order Permitting Partial Withdrawal of Claim Objection to Parus Holding, Inc.'s Proof of Claim (Replacing 9293), Allowing Resulting Claim, and Denying All Other Pending Motions as Moot (the "Amended Withdrawal Motion").

Parus does not object generally to: (a) the Debtors' request to withdraw the Debtors'

objection to Parus' claim and (b) the Debtors' request that Parus' claim be allowed. Parus supports the entry of an order fully and finally adjudicating the contested claims litigation among the parties to allow the parties to pursue their respective appellate rights of the Court's final order and without the need to seek leave to file an interlocutory appeal.

Parus provided its comments regarding the Amended Withdrawal Motion to counsel for the Debtors, Mark Iba, on August 15, 2007. Rather than consulting with Parus about its comments and avoiding the need to further burden this Court, Mr. Iba did not respond to Parus' comments - many of which were merely clarifications. Instead, the Debtors filed the current Amended Withdrawal Motion. For the Court's convenience, Parus has attached the redlined changes that were previously provided to Mr. Iba as Exhibit A.

Also for purposes of clarity of the record, Parus notes the Debtors never filed a motion seeking to deny all pending motions as moot. However, by styling the Amended Withdrawal Motion in its current form, the Debtors imply that such a motion was in fact previously filed. The Amended Withdrawal Motion is the first time the Debtors request that all pending motions be held moot. In any event, the relief the Debtors seek is itself moot since the Court already concluded at the July 10, 2007 that all pending motions were rendered moot as a result of the Debtors' withdrawal of its claim objection.

For the Court's convenience, Parus has attached Exhibit B, which is the redline of changes that Parus requested that the Debtors' make to the proposed order. The Court will see that Parus' changes are minimal. However, the Debtors have refused to make such changes. Therefore, Parus respectfully submits this Objection and asks that Parus' proposed order, which is attached as Exhibit C, be entered by the Court.

Dated: September 6, 2007

Respectfully submitted,

By: /s/ Jill L. Murch

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*Attorneys for Claimant Parus Holdings,
Inc., Successor-By-Merger to EffectNet,
Inc. and EffectNet, LLC*

EXHIBIT A

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 Robert L. Driscoll, Esq.
 Allison M. Murdock, Esq.
 Mark M. Iba, Esq.
 Mark A. Shaiken, Esq.

UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK

-----X
 In re :
 : Chapter 11 Case No.
 WORLDCOM, INC., et al., : 02-13533 (AJG)
 :
 : (Jointly Administered)
 Debtors. :
 -----X

**DEBTORS' AMENDED MOTION FOR AN ORDER PERMITTING
 PARTIAL WITHDRAWAL OF CLAIM OBJECTION AND
 ALLOWANCE OF RESULTING CLAIM,**

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ALL OTHER PENDING MOTIONS
AS MOOT

WorldCom, Inc. (now Verizon Business Global LLC) and certain of its direct and indirect subsidiaries (collectively, the "Debtors"), respectfully request that the Court issue an order permitting them to withdraw their claim objection on the issue of the contract rate applicable to the four Reconciliation Payments that the Court has ruled are owed under the November 20, 2000 Unified Communications Service Agreement ("UC Contract"). This order is appropriate because it will resolve the one matter for which the Court did not enter summary judgment for the Debtors; that is, "which rate constitutes the "base monthly" price" under the UC Contract.¹ It will also achieve judicial economy and eliminate the need for Debtors to incur

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¹ In re WorldCom, Inc., --- B.R. ---, Case No. 02-13533 (AJG) 2007 WL 12678390 (Bankr. S.D.N.Y.) at *11.

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further and substantial fees and costs that may exceed the value of the remaining issue in dispute, as well as allow Parus, in the event it chooses to do so, to appeal final orders of this Court. In support of this motion, Debtors state:

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1. On July 21, 2002 (the "Commencement Date") and November 8, 2002, the Debtors commenced cases (the "Bankruptcy Cases") under Chapter 11 of Title 11 of the United States Code (the "Bankruptcy Code").

2. By Orders dated July 22, 2002 and November 12, 2002, the Debtors' chapter 11 cases were consolidated for procedural purposes only, and are being jointly administered.

3. By Order dated October 29, 2002, the Court established January 23, 2003 as the deadline for the filing of a proof of claim against any of the Debtors (the "Bar Date").

4. On October 31, 2003, the Debtors' Modified Second Amended Joint Plan of Reorganization (the "Plan") was confirmed, and became effective on April 20, 2004.

5. On June 10, 2004, the Debtors filed their objection to Proof of Claim number 11173 (replacing 9293) against Intermedia Communications, Inc. ("Intermedia") filed by Parus Holdings, Inc., successor-by-merger to EffectNet, Inc. and EffectNet, LLC (the "Parus Claim").

6. On May 2, 2007, this Court entered its Opinion Partially Granting and Partially Denying Debtors' Motion for Summary Judgment and Motion to Strike Portions of Affidavits (Dkt. No. 18853) (the "Opinion"). The only issue upon which the Court did not grant summary judgment to the Debtors was whether the "base monthly price" for purposes of calculating the four reconciliation payments is the "basic service rate" of \$11.45 or the "unlimited service rate" of \$27.40 ("Remaining Issue").²

Deleted: In that order, the Court granted Debtors' motion for summary judgment on Parus's claims for unfair and deceptive trade practices, breach of the implied covenant of good faith and fair dealing, and civil conspiracy. With respect to Parus's claim for breach of contract, the Court ruled that Parus terminated the UC Contract on April 12, 2002, and that Debtors are required to make reconciliation payments under the UC Contract for four months (December 2001 through March 2002). The Court further ruled that the Limitation of Liability clause in the UC Contract limits Intermedia's liability to the terms of the contract, thereby precluding non-contractual damages. Finally, the Court found material factual issues as to which rate is the "base monthly price" for purposes of determining the amount of the payments owed for December 2001 through March 2002. Thus, the sole remaining issue

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² The Court granted summary judgment in favor of Debtors on Parus's amended claim against MCI, Claim No. 11242 (replacing 9291).

7. Parus contends that the "base monthly price" was intended to be the unlimited service rate of \$27.40. If Parus's contention is correct with respect to the Remaining Issue, the amount of the Parus Claim would be \$1,101,844.27, less a deposited \$175,000, for a total claim of \$926,844.27.

8. Debtors therefore request that the Court enter an order directing that (a) the Parus Claim be allowed in the amount of \$926,844.27 and treated as a Class 12 claim under the Plan; and (b) the Debtors' objection to the Parus Claim with respect to the Remaining Issue is withdrawn. The form of the Proposed Order is attached as Exhibit A.

9. Debtors submit that the entry of the Proposed Order is in the parties' best interests. The Court's Opinion substantially narrowed the dispute between the parties. By entry of the Proposed Order, the Debtors' resources will not be further expended with respect to the Remaining Issue. It also remedies the Court's concern regarding the Debtors' prior motion for an order permitting withdrawal – that the prior motion did not resolve all issues before the Court. By entry of an order approving this amended motion, the parties may pursue appeals of final orders of this Court rather than seeking leave to file interlocutory appeals.

10. Under the Plan, the Debtors have the right to withdraw their claim objection at any time. See Plan § 7.06.

11.

WHEREFORE, for the reasons set forth here, the Debtors respectfully request that the Court enter an order in conformity with this Motion, and grant such other and further relief as is just.

Dated: July __, 2007
Kansas City, Missouri

Deleted: Despite Debtors' earlier offer to resolve Parus's claim, Parus appears determined to proceed with expensive, unnecessary spoliation and cost-shifting briefing and electronic discovery. The parties may well incur fees and costs on the narrow damages phase of this proceeding that surpass any award of damages.

Deleted: litigation before this Court will end, judicial economy will be served, and

Deleted: <#>Debtors further request that all other pending motions be denied as moot because the Court's Opinion together with an Order granting this motion disposes of Parus's claims in their entirety. The other pending motions, which Debtors request be denied as moot, are as follows: (1) Motion of Claimant Parus Holdings, Inc. to Compel Production of Documents and to Extend Discovery Deadlines (Docket No. 16423); (2) Motion of Claimant Parus Holdings, Inc. for Relief Resulting from the Debtors' Spoliation of Evidence (Docket No. 18689); (3) Amended Motion of Parus Holdings, Inc. for Relief Resulting from the Debtors' Spoliation of Evidence (Docket No. 18935); (4) Debtors' Motion to Apply Bankruptcy Rule 7068 (Offer of Judgment) to the Proceedings on Claim Nos. 11242 (Replacing 9291) and 11173 (Replacing 9293); and (4) Debtors' Motion to Compel Parus Holdings, Inc. to Appear for a Properly Noticed Rule 30(b)(6) Deposition (Docket No. 18740).¶ Debtors' counsel, Allison Murdock, has conferred with Parus's counsel, Jill Murch, regarding this Motion. Ms. Murch has advised that Parus has no objection to Motion or the form of the proposed Order submitted with the Motion.

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Respectfully submitted,

STINSON MORRISON HECKER LLP

By /s/
Robert L. Driscoll, Esq.
Mark A. Shaiken, Esq.
Allison M. Murdock, Esq.
Mark M. Iba, Esq.
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ATTORNEYS FOR DEBTORS

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2007, I electronically filed the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to all parties receiving electronic means.

/s/
Attorney for Debtors

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UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK

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In re	:
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WORLDCOM, INC., <u>et al.</u> ,	:
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	:
Debtors.	:
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Chapter 11 Case No.
 02-13533 (AJG)

(Jointly Administered)

**ORDER GRANTING DEBTORS' AMENDED
 MOTION FOR PARTIAL WITHDRAWAL OF
 CLAIM OBJECTION AND ALLOWANCE OF RESULTING CLAIM**

THE COURT has considered Debtors' Amended Motion for an Order Permitting Partial Withdrawal of Claim Objection and Allowance of Resulting Claim (the "Motion") and the papers filed in support of the Motion. It is hereby ORDERED that:

1. The Debtors' objection is withdrawn to the "Parus Claim," as such term is defined in Paragraph 2 herein, with respect to the issue of whether the "base monthly price" is the "basic service rate" of \$11.45 or the "unlimited service rate" of \$27.40 for purposes of calculating the four Reconciliation Payments (the "Remaining Issue") that this Court found to be owed under its May 2, 2007 Opinion Partially Granting and Partially Denying Debtors' Motion for Summary

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Judgment and Motion to Strike Portions of Affidavits (the "Opinion") (Docket No. 18853), and the unlimited service rate of \$27.40 shall apply;

2. Proof of Claim number 11173 (replacing 9293) against Intermedia Communications, Inc. filed by Parus Holdings, Inc., successor-by-merger to EffectNet, Inc. and EffectNet, LLC (the "Parus Claim") is hereby allowed in the amount of \$926,844.27 and treated as a Class 12 claim under the Debtors' Modified Second Amended Joint Plan of Reorganization (the "Plan"); and

3. Pursuant to the Court's statements on the record on July 10, 2007, the Court directs that all other pending motions are denied as moot. The motions denied as moot are as follows: (1) Motion of Claimant Parus Holdings, Inc. to Compel Production of Documents and to Extend Discovery Deadlines (Docket No. 16423); (2) Motion of Claimant Parus Holdings, Inc. for Relief Resulting from the Debtors' Spoliation of Evidence (Docket No. 18689); (3) Amended Motion of Parus Holdings, Inc. for Relief Resulting from the Debtors' Spoliation of Evidence (Docket No. 18935); (4) Debtors' Motion to Apply Bankruptcy Rule 7068 (Offer of Judgment) to the Proceedings on Claim Nos. 11242 (Replacing 9291) and 11173 (Replacing 9293); and (4) Debtors' Motion to Compel Parus Holdings, Inc. to Appear for a Properly Noticed Rule 30(b)(6) Deposition (Docket No. 18740).

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SO ORDERED

Dated: New York, New York
_____, 2007

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HONORABLE ARTHUR J. GONZALEZ,
UNITED STATES BANKRUPTCY JUDGE

DB03/048629.0125/7754842.3

EXHIBIT B

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UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK

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Debtors.	:	
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3. Pursuant to the Court's statements on the record on July 10, 2007, the Court directs that all other pending motions are denied as moot. The motions denied as moot are as follows: (1) Motion of Claimant Parus Holdings, Inc. to Compel Production of Documents and to Extend Discovery Deadlines (Docket No. 16423); (2) Motion of Claimant Parus Holdings, Inc. for Relief Resulting from the Debtors' Spoliation of Evidence (Docket No. 18689); (3) Amended Motion of Parus Holdings, Inc. for Relief Resulting from the Debtors' Spoliation of Evidence (Docket No. 18935); (4) Debtors' Motion to Apply Bankruptcy Rule 7068 (Offer of Judgment) to the Proceedings on Claim Nos. 11242 (Replacing 9291) and 11173 (Replacing 9293); and (4) Debtors' Motion to Compel Parus Holdings, Inc. to Appear for a Properly Noticed Rule 30(b)(6) Deposition (Docket No. 18740).

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SO ORDERED

Dated: New York, New York
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HONORABLE ARTHUR J. GONZALEZ,
UNITED STATES BANKRUPTCY JUDGE

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EXHIBIT C

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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Chapter 11 Case No.
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(Jointly Administered)

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SO ORDERED

Dated: New York, New York
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HONORABLE ARTHUR J. GONZALEZ,
UNITED STATES BANKRUPTCY JUDGE

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UNITED STATES BANKRUPTCY COURT
 FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:)	CHAPTER 11
)	Jointly Administered
WORLD COM, INC., et al.,)	
)	
Debtors.)	Case No. 02-13533 (AJG)
)	

CERTIFICATION OF SERVICE

Katherine E. Hall, of full age, certifies as follows:

I am a Paralegal employed with the firm of Foley & Lardner LLP, Attorneys for Claimant Parus Holdings, Inc. successor by merger to EffectNet, Inc. and EffectNet, LLC listed in the documents herein.

On September 6, 2007, I filed the PARUS HOLDINGS, INC.'S LIMITED OBJECTION TO DEBTORS' AMENDED MOTION FOR AN ORDER PERMITTING PARTIAL WITHDRAWAL OF CLAIM OBJECTION TO PARUS HOLDINGS, INC.'S PROOF OF CLAIM NO. 11173 (REPLACING 9293), ALLOWING RESULTING CLAIM,

AND DENYING ALL OTHER PENDING MOTIONS AS MOOT, electronically with the United States Bankruptcy Court for the Southern District of New York.

The following parties were served at the addresses and electronic mail addresses set forth herein as indicated.

Via Overnight Delivery

Hon. Judge Arthur J. Gonzalez
United States Bankruptcy Court
Alexander Hamilton Custom House
One Bowling Green
New York, NY 10004

Via E-Mail

Allison Murdock
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miba@stinsonmoheck.com
Fax: 816.691.3495

/s/ Katherine E. Hall

Sworn to before me this
6th day of September, 2007
/s/ Yolanda C. Peña
Notary Public, State of Illinois